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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2007 FEB 12 P 4: 21

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MIKE GLEASON
KRISTIN K. MAYES
GARY PIERCE

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE
APPLICATION OF PERKINS
MOUNTAIN WATER COMPANY
FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY
IN MOHAVE COUNTY

DOCKET NO. W-20380A-05-0490

DOCKET NO. SW-20379A-05-0489

IN THE MATTER OF THE
APPLICATION OF PERKINS
MOUNTAIN UTILITY COMPANY
FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY
IN MOHAVE COUNTY

**NOTICE OF FILING
ADMINISTRATIVE SUBPOENA**

Perkins Mountain Water Company and Perkins Mountain Utility Company hereby file the subpoena issued by the Arizona Corporation Commission to Ms. Sandra Fabritz-Whitney or Mr. Douglas W. Dunham or another Representative of the Water Management Division of the Arizona Department of Water Resources pursuant to Arizona Administrative Code § R14-3-210 in connection with the hearing on Thursday, February 15, 2007, in the above-captioned proceeding.

DATED this 12th day of February, 2007.

SNELL & WILMER L.L.P.

Arizona Corporation Commission
DOCKETED

FEB 13 2007

DOCKETED BY	nr
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By Kimberly A. Grouse
Jeffrey W. Crockett
Kimberly A. Grouse
One Arizona Center
400 East Van Buren
Phoenix, Arizona 85004-2202
Attorneys for Perkins Mountain Water Company

Snell & Wilmer

L.L.P.
LAW OFFICES
One Arizona Center, 400 E. Van Buren
Phoenix, Arizona 85004-2202
(602) 382-6000

1 ORIGINAL and 15 copies filed this 12th day of February, 2007, with:

2 Docket Control
3 Arizona Corporation Commission
4 1200 West Washington
5 Phoenix, Arizona 85007

6 COPY hand-delivered this 12th day of February, 2007, to:

7 Dwight Nodes, Administrative Law Judge
8 Hearing Division
9 Arizona Corporation Commission
10 1200 West Washington
11 Phoenix, Arizona 85007

12 Keith Layton, Staff Attorney
13 Legal Division
14 Arizona Corporation Commission
15 1200 West Washington
16 Phoenix, Arizona 85007

17 Blessing Chukwu
18 Utilities Division Staff
19 Arizona Corporation Commission
20 1200 West Washington
21 Phoenix, Arizona 85007

22 COPY mailed this 12th day of February, 2007, to:

23 Booker T. Evans, Jr.
24 Kimberly A. Warshawski
25 Greenberg Traurig, L.L.P.
26 2375 East Camelback Road, Suite 700
27 Phoenix, AZ 85016

28 Scott Fisher
Sports Entertainment
808 Buchanan Blvd., Ste. 115-303
Boulder City, NV 89005

Janice L. Johnson

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3
4 JEFF HATCH-MILLER, Chairman
5 WILLIAM A. MUNDELL
6 MIKE GLEASON
KRISTIN K. MAYES
GARY PIERCE

7
8 IN THE MATTER OF THE
9 APPLICATION OF PERKINS
10 MOUNTAIN WATER COMPANY
11 FOR A CERTIFICATE OF
12 CONVENIENCE AND NECESSITY
13 IN MOHAVE COUNTY

DOCKET NO. W-20380A-05-0490

DOCKET NO. SW-20379A-05-0489

12 IN THE MATTER OF THE
13 APPLICATION OF PERKINS
14 MOUNTAIN UTILITY COMPANY
15 FOR A CERTIFICATE OF
16 CONVENIENCE AND NECESSITY
17 IN MOHAVE COUNTY

SUBPOENA

18 THE ARIZONA CORPORATION COMMISSION TO:

19 Sandra Fabritz-Whitney or Douglas W. Dunham or another Representative of the
20 Water Management Division
21 Office of Assured and Adequate Water Supply
22 The Arizona Department of Water Resources
23 3550 N. Central Avenue
24 Phoenix, AZ 85012

25 YOU ARE HEREBY COMMANDED, pursuant to the provisions of Rule 45,
26 Ariz.R.Civ.P. and A.A.C. R14-3-109, to appear before the Arizona Corporation
27 Commission, 1200 West Washington, Phoenix, Arizona 85007 on **Thursday, February**
28 **15, 2007 at 10:00 a.m.** to give testimony at a hearing to be conducted in the above-
entitled matter pursuant to Ariz. Rules of Civ. Pro. 26 and 30 and A.A.C. R14-3-109.

1 YOU ARE ALSO COMMANDED to bring with you and produce these books,
2 papers, documents, or tangible things:

3 Letter dated January 25, 2007 from Mr. Douglas Dunham to Mr. Jeff Crockett
4 regarding Golden Valley 5800 Physical Availability.

5 You have been subpoenaed by Perkins Mountain Water Company, whose
6 attorney's name, address and telephone number is listed below:
7

8 Jeffrey Crockett
9 SNELL & WILMER LLP
400 East Van Buren
10 One Arizona Center
Phoenix, AZ 85004-0001
11 (602-) 382-6234
12

13 YOU ARE HEREBY NOTIFIED THAT ANY FAILURE TO OBEY THIS
14 SUBPOENA WITHOUT ADEQUATE EXCUSE MAY BE DEEMED A
15 CONTEMPT OF THIS COMMISSION.

16 REQUESTS FOR REASONABLE ACCOMMODATION FOR PERSONS
17 WITH DISABILITIES MUST BE MADE TO THE DIVISION ASSIGNED TO
18 THE CASE BY PARTIES AT LEAST 3 JUDICIAL DAYS IN ADVANCE OF A
19 SCHEDULED COMMISSION PROCEEDING.

20 **Your Duties In Responding To This Subpoena**

21 If this subpoena asks you to produce and permit inspection and copying of designated
22 books, papers, documents, tangible things, or the inspection of premises, you need not appear to
23 produce the items unless the subpoena states that you must appear for a deposition, hearing or
24 trial. See Rule 45(c)(2)(A) of the Arizona Rules of Civil Procedure and A.A.C. R14-3-109.
25

26 **Your Right To Object**

27 The party or attorney serving the subpoena has a duty to take reasonable steps to avoid
28 imposing an undue burden or expense on you. The Arizona Corporation Commission enforces

1 this duty and may impose sanctions upon the party or attorney serving the subpoena if this duty is
2 breached. *See* Rule 45(c)(1) of the Arizona Rules of Civil Procedure and A.A.C. R14-3-109.

3
4 You may object to this subpoena if you feel that you should not be required to respond to
5 the request(s) made. Any objection to this subpoena must be made within 14 days after it is
6 served upon you, or before the time specified for compliance, by providing a written objection to
7 the party or attorney serving the subpoena. *See* Rule 45(c)(2)(B) of the Arizona Rules of Civil
8 Procedure and A.A.C. R14-3-109.

9
10 If you object because you claim the information requested is privileged or subject to
11 protection as trial preparation material, you must express the objection clearly, and support each
12 objection with a description of the nature of the document, communication or item not produced
13 so that the demanding party can contest the claim. *See* Rule 45(d)(2) of the Arizona Rules of Civil
14 Procedure and A.A.C. R14-3-109.

15
16 If you object to the subpoena in writing, you do not need to comply with the subpoena
17 until a hearing officer orders you to do so. It will be up to the party or attorney serving the
18 subpoena to seek an order from the hearing officer to compel you to provide the documents or
19 inspection requested, after providing notice to you. *See* Rule 45(c)(2)(B) of the Arizona Rules of
20 Civil Procedure and A.A.C. R14-3-109.

21
22 If you are not a party to the litigation, or an officer of a party, the hearing officer will issue
23 an order to protect you from any significant expense resulting from the inspection and copying
24 commanded. *See* Rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure and A.A.C. R14-3-
25 109.

26
27 You may also file a motion in the hearing officer before whom the case is pending to
28 quash or modify the subpoena if the subpoena:

(i) does not provide a reasonable time for compliance;

(ii) requires a non-party or officer of a party to travel to a county different from the county where the person resides or does business in person; or to travel to a county different from where the subpoena was served; or to travel to a place farther than 40 miles from the place of service; or to travel to a place different from any other convenient place fixed by an order of the commission, except that a subpoena for you to appear and testify at trial can command you to travel from any place within the state;

(iii) requires the disclosure of privileged or protected information and no waiver or exception applies;

(iv) subjects you to an undue burden. *See* Rule 45(c)(3)(A) of the Arizona Rules of Civil Procedure and A.A.C. R14-3-109.

If this subpoena:

(i) requires the disclosure of a trade secret or other confidential research, development, or commercial trade information; or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or

(iii) requires a person who is not a party or an officer of a party to incur substantial travel expense;

The hearing officer may either quash or modify the subpoena, or the hearing officer may order you to appear and produce documents only upon specified conditions, if the party who served the subpoena shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that you will be reasonably compensated. *See* Rule 45(c)(3)(B) of the Arizona Rules of Civil Procedure and A.A.C. R14-3-109.

SIGNED AND SEALED this 12th day of February, 2007

BRIAN McNEIL, Executive Director
Arizona Corporation Commission

By:


Deputy Executive Director

Certification of Service

I hereby certify that I have this day served the foregoing documents on all parties of record in this proceeding by mailing a copy thereof, properly addressed with first class postage prepaid to:

Booker T. Evans, Jr.
Kimberly A. Warshawski
Greenberg Traurig, L.L.P.
2375 East Camelback Road, Suite 700
Phoenix, AZ 85016

Scott Fisher
Sports Entertainment
808 Buchanan Blvd., Ste. 115-303
Boulder City, NV 89005

James D. Johnson